

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ROSWELL, NEW MEXICO

UNITED STATES DISTRICT COURT JUL 24 2023

for the
District of New MexicoMITCHELL R. ELFERS
CLERK OF COURT

United States of America)

v.)

David Phillip Licea Jr.)

Case No.

23-mj-1174

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 23, 2023 in the county of Curry in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. § 841

Possession with intent to distribute methamphetamine.

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out herein.

☒ Continued on the attached sheet.*Chandler Rule**Complainant's signature*

Chandler Rule, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/24/23*Judge's signature*

City and state:

New Mexico*Barbara Evans**Printed name and title*

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ATTACHMENT "A"

AFFIDAVIT

I, Chandler Rule, Affiant, being duly sworn, state that the following information is true and correct to the best of my knowledge and belief:

The following information is based upon information provided to me by other agents and is presented as probable cause to arrest David Phillip Licea Jr. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every known fact regarding this investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause.

On July 23, 2023, officers with the Clovis Police Department observed a Honda Accord traveling on Prince St., in Clovis, NM, within the District of New Mexico. Officers conducted a traffic stop on the Honda after observing the Honda bearing illegal window tint in violation of N.M.S.A. § 66-3-846.1, which, among other things, prohibits operation of a motor vehicle in the State of Mexico when the ratio of total light that passes through the window to the total light falling on the window exceeds 20%. The officer who conducted the traffic stop was unable to see through the window at all, which, based on his training in experience, indicated that the window exceeded the 20% threshold.

The police officer subsequently identified the driver as David Phillip Licea. During the course of the traffic stop, a Clovis Police Officer deployed a trained narcotics canine, which was onsite from the initiation of the traffic stop, to conduct a sniff the vehicle. The traffic stop was not extended to conduct the canine sniff of the vehicle. While sniffing the vehicle, the narcotics canine alerted to an odor from the vehicle. Based on the positive canine alert, officers conducted a probable cause search of the vehicle, which revealed approximately 25.0 gross pounds of crystalized substance that appeared to be methamphetamine from inside the gas tank of the Honda. Agents field tested the suspected methamphetamine, which yielded a presumptive positive for methamphetamine. Licea was detained and transported to the Clovis Police Department.

Agents subsequently advised Licea of his *Miranda* rights. Licea acknowledged his understanding of his rights but stated he did not want to talk to agents. Later, Licea voluntarily and without prompting from law enforcement indicated that he wanted to talk to agents. Licea stated that he knew there was something illegal in the car, but he did not know what the substance was. Licea also stated that he was going to get paid \$2,000 for the trip.

Based on my training and experience, I know that approximately 25 pounds of methamphetamine is inconsistent with a personal use amount and is consistent with possession with intent to distribute the substance.

AUSA Jack Burkhead approved prosecution for Licea on 21 U.S.C. § 841(a)(1), that being possession with intent to distribute methamphetamine.

United States of America

v.

David Phillip Licea Jr.

Dated the 23rd day of July, 2023.

Chandler Rule

Chandler Rule
DEA Special Agent

SUBSCRIBED and SWORN to telephonically
this 24th day of July, 2023.



United States Magistrate Judge